



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 7, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 25, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Humphrey, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Sean Farrelly, City of Tigard

<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

JUN 06 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Tigard**

Local file number: **CPA2006-00002**

Date of Adoption: **April 24, 2007**

Date Mailed: **June 4, 2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Date: January 5, 2007

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Chapter 11 of the Tigard Comprehensive Plan, Special Areas of Concern: Downtown, to update the Goals, Policies, and Action Measures to reflect the Tigard Downtown Improvement Plan's vision of a pedestrian oriented mixed use Town Center in the Downtown Urban Renewal District and update Policy 5.5.

Does the Adoption differ from proposal?

Minor wording change to Action Measure 11.A.2 "Consider utilizing form-based codes."

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **Downtown Urban Renewal District**

Acres Involved: **193**

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-07 (15780)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, Tualatin Valley Fire and Rescue, Cleanwater Services

Local Contact: **Sean Farrelly**

Phone: (503) 718-2420 Extension:

Address: 13125 SW Hall Blvd

Fax Number: 503-624-3681

City: Tigard

Zip: 97223

E-mail Address: sean@tigard-or.gov

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 07-07

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2006-00002 TO REPLACE THE DOWNTOWN CHAPTER OF VOLUME II OF THE COMPREHENSIVE PLAN AND ADD NEW GOALS, POLICIES, AND ACTION MEASURES AND AMEND COMPREHENSIVE PLAN POLICY 5.5

WHEREAS, the findings and recommendations of the Tigard Downtown Improvement Plan were accepted by City Council Resolution 05-62; and

WHEREAS, a recommendation of the Tigard Downtown Improvement Plan Implementation Action Plan is to make code and regulatory adjustments to be consistent with the vision of the Plan; and

WHEREAS, the City has proposed an amendment to the Tigard Comprehensive Plan Chapter 11 adding new Goals, Policies, and Action Measures for the Downtown Urban Renewal District and updating Policy 5.5; and

WHEREAS, the Tigard Planning Commission held a public meeting on March 19, 2007, and recommended approval of the proposed CPA 2006-00002 (with a minor revision) by motion and with unanimous vote; and

WHEREAS, on April 24, 2007, the Tigard City Council held a public hearing to consider the Commission's recommendation on CPA 2006-00002, hear public testimony, and apply applicable decision-making criteria.

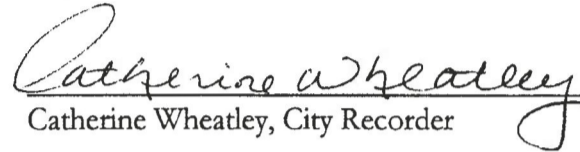
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard Comprehensive Plan (Volume II) is amended to include the text in **"EXHIBIT A."**

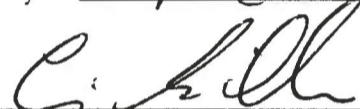
SECTION 2: The findings and conclusions contained in the Staff Report dated March 7, 2007, the Planning Commission meeting minutes for March 19, 2007, and memorandum to Council dated March 29, 2007, are adopted by reference (**"EXHIBIT B"**, **"EXHIBIT C"**, and **"EXHIBIT D"** respectively).

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.


PASSED: By UNANIMOUS vote of all Council members present after being read by number and title only, this 24th day of April, 2007.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 24th day of April, 2007.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

4.24.07
Date

EXHIBIT A

5 . E C O N O M Y

Commentary : The proposed amendment would amend Policy 5.5 of the Tigard Comprehensive Plan (Volume II) to allow complementary residential development throughout the Urban Renewal district. The Tigard Downtown Improvement Plan states that more housing and a variety of housing types will help create a vibrant and economically sound city core. Although much of the new residential development would be focused in mixed use development above the first floor, the TDIP does call for medium-density, stand alone housing types, such as townhouses, in the area bordering Fanno Creek Park.

- Language to be added to the Comprehensive Plan is underlined.
- Language to be deleted from the Comprehensive Plan is shown in ~~striketrough~~.

POLICIES

5.5 THE CITY SHALL PROHIBIT RESIDENTIAL DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS EXCEPT:

~~COMPLIMENTARY RESIDENTIAL DEVELOPMENT SHALL BE PERMITTED ABOVE THE FIRST FLOOR IN THE CENTRAL BUSINESS DISTRICT, AND ABOVE THE SECOND FLOOR IN COMMERCIAL PROFESSIONAL DISTRICTS. (THE DENSITY OF RESIDENTIAL DEVELOPMENT SHALL BE DETERMINED IN ACCORDANCE WITH THE R-40 DISTRICTS.)~~ IN ALL ZONING DISTRICTS IN THE DOWNTOWN TIGARD URBAN RENEWAL DISTRICT AT APPROPRIATE DENSITIES. IN COMMERCIAL PROFESSIONAL DISTRICTS RESIDENTIAL DEVELOPMENT SHALL BE ALLOWED ABOVE THE SECOND FLOOR. (THE DENSITY IN THE COMMERCIAL PROFESSIONAL DISTRICT SHALL BE DETERMINED IN ACCORDANCE WITH THE R-40 DISTRICTS.) AND;

EXISTING SINGLE FAMILY HOMES WITHIN THE MIXED USE EMPLOYMENT ZONE SHALL BE CONSIDERED PERMITTED USES AND NEW MULTI-FAMILY DEVELOPMENT SHALL BE PERMITTED AND ENCOURAGED TO DEVELOP AT R-40 DENSITIES;

WITHIN THE MUC, MUR 1 AND 2 AND MUE 1 AND 2 ZONES WITHIN THE WASHINGTON SQUARE REGIONAL CENTER, WHERE RESIDENTIAL USES SHALL BE PERMITTED AND ENCOURAGED AT HIGH DENSITIES RANGING FROM R-25 (MUE 2 AND MUR 2) TO R-50 (MUC, MUE 1 AND MUR 1): AND

WITHIN THE MUC-1 DISTRICT, WHERE RESIDENTIAL USES SHALL BE PERMITTED AND ENCOURAGED TO DEVELOP AT A MINIMUM OF 25 UNITS PER ACRE TO A MAXIMUM OF 50 UNITS PER ACRE. RESIDENTIAL USES WHICH ARE DEVELOPED ABOVE NON-RESIDENTIAL USES AS PART OF A MIXED USE DEVELOPMENT SHALL NOT BE SUBJECT TO THESE DENSITIES.

11. SPECIAL AREAS OF CONCERN

11.1 DOWNTOWN TIGARD URBAN RENEWAL DISTRICT

BACKGROUND

Citizens have expressed a desire to create a “heart” for their community: a place to live, work, and play, and to serve as a community gathering place.

Main Street and the surrounding area have served as Tigard’s historic center, dating back to around 1907. Planning for Downtown Tigard’s revitalization has been a long-term process, stretching back at least 25 years. The most recent effort dates back to 2002, with the announcement of plans for a Washington County Commuter rail line with a planned station in downtown Tigard. This inspired a small group of citizens and business owners to work on ideas for Downtown to capitalize on Commuter Rail. A state Transportation and Growth Management (TGM) grant facilitated the hiring of consultants and a more extensive planning process. A Task Force of 24 citizens was formed to guide the plan’s development. The planning process incorporated high levels of citizen involvement, including community dialogues, workshops, open house, and a public survey.

Tigard Downtown Improvement Plan (TDIP)

The TGM grant and planning process resulted in the Tigard Downtown Improvement Plan (TDIP). The TDIP set forth a vision to create “a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes and uses natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard.”

Urban Renewal Plan

An Urban Renewal Plan was developed to implement the TDIP. The tools provided by urban renewal, including Tax Increment Financing, are intended to attract private investment and facilitate the area’s redevelopment. Tigard voters approved the use of Tax Increment Financing for Urban Renewal in the May 2006 election.

FINDINGS

- Existing Conditions

- Land Use

- The Urban Renewal Area contains approximately 193.71 acres (including 49.57 acres of right-of-way) and comprises 2.6% of the City’s 7496 acres of total land area. It contains 193 individual properties. The current land uses are dominated by development with little pedestrian-friendly orientation. Outside of Main Street, the existing buildings do not create a sense of place and cohesive function, but rather appear to be spread out and auto-dependent. Block sizes are large for a downtown.

In general, downtown properties have low improvement to land (I:L) ratios. Healthy I:L ratios for downtown properties range between 7.0 -10.0 or more. In Tigard's Urban Renewal Area 2004-05 I:L averages were 1.43 for commercial properties and 2.79 for multi-family residential. (Report Accompanying the City Center Urban Renewal Plan.)

Under existing conditions, Downtown is underdeveloped and lacks the mix of high quality commercial, office, residential and public uses suitable for an urban village.

Transportation System

The Area is served by two major transportation corridors (99W and Hall Blvd.) with heavy traffic levels. Many of the other Downtown streets lack complete sidewalks. In general, there are poor linkages to and within the Downtown.

Railway tracks also bisect the Downtown. A planned system upgrade will make both commuter and freight train operation more efficient and less disruptive to automobile traffic.

Natural Features

Fanno Creek flows through downtown and is the most notable natural feature. The creek, part of its floodplain and associated wetlands are part of a 22-acre city park with a multi-use path.

- **Current Zoning Districts and Comprehensive Plan Designations**

The majority of the Downtown is zoned Central Business District (CBD). While the current CBD zone allows the mix of uses necessary for a successful downtown, the regulations lack the language to guide new development to be consistent with the preferred urban form. As a result, the area has developed without many of the pedestrian-oriented qualities specified in the Tigard Downtown Improvement Plan and Metro's 2040 Growth Concept.

The Tigard Urban Renewal Area encompasses the original Plan area and several additional tax lots, which are zoned R-4.5, R-12 (PD), R-25, C-G (General Commercial) and C-P (Professional/ Administrative Commercial). Several of these tax lots are located to the northwest of Highway 99W. These additional zones do not permit mixed use development, which is crucial for successful downtowns.

- **Community Values**

According to the Comprehensive Plan Issues and Values Summary, Downtown is important to Tigard residents; many use it on a weekly basis. Many would like it to see improvements so it will become a gathering place for the community.

Tigard Beyond Tomorrow's Community Character & Quality of Life section, includes a goal to achieve a future where "the Main Street area is seen as a 'focal point' for the community," and "a clear direction has been established for a pedestrian-friendly downtown and is being implemented."

The passage of the Urban Renewal measure in May 2006 by 66% of voters also shows strong community support for Downtown's revitalization.

• **Metro Requirements for Town Center Planning**

Title 6 of the Urban Growth Management Functional Plan requires local jurisdictions to adopt land use and transportation plans that are consistent with Metro guidelines for Town Centers.

GOAL

The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard.

POLICIES

11.1. Facilitate the Development of an Urban Village

11.1.1 New zoning, design standards and design guidelines shall be developed and used to ensure the quality, attractiveness, and special character of the Downtown as the "heart" of Tigard, while being flexible enough to encourage development.

11.1.2 The Downtown's land use plan shall provide for a mix of complimentary land uses such as:

- a) Retail, restaurants, entertainment and personal services;
- b) Medium and high-density residential uses including rental and ownership housing;
- c) Civic functions (government offices, community services, public plazas, public transit centers, etc)
- d) Professional employment and related office uses
- e) Natural Resource protection, open spaces and public parks

11.1.3 The City shall not permit new land uses such as warehousing; auto-dependant uses; industrial manufacturing; and industrial service uses that would detract from the goal of a vibrant urban village.

11.1.4 Existing nonconforming uses shall be allowed to continue, subject to a threshold of allowed expansion.

11.1.5 Downtown design, development and provision of service shall emphasize public safety, accessibility, and attractiveness as primary objectives.

11.1.6 New housing in the downtown shall provide for a range of housing types, including ownership, workforce and affordable housing in a high quality living environment.

11.1.7 New zoning and design guidelines on Main Street will emphasize a “traditional Main Street” character.

11.2 Develop and Improve the Open Space System and Integrate Natural Features into Downtown

11.2.1 Natural resource functions and values shall be integrated into Downtown urban design.

11.2.2 The Fanno Creek Public Use Area, adjacent to Fanno Creek Park shall be a primary focus and catalyst for revitalization.

11.2.3 Development of the Downtown shall be consistent with the need to protect and restore the functions and values of the wetland and riparian area within Fanno Creek Park.

11.3 Develop Comprehensive Street and Circulation Improvements for Pedestrians, Automobiles, Bicycles and Transit

11.3.1 The Downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike and pedestrian facilities.

11.3.2 The Downtown shall be Tigard’s primary transit center for rail and bus transit service and supporting land uses.

11.3.3 The City, in conjunction with TriMet, shall plan for and manage transit user parking to ensure the Downtown is not dominated by “park and ride” activity.

11.3.4 Recognizing the critical transportation relationships between the Downtown and surrounding transportation system, especially bus and Commuter Rail, Highway 99W, Highway 217 and Interstate 5, the City shall address the Downtown’s transportation needs in its Transportation System Plan and identify relevant capital projects and transportation management efforts.

11.3.5 Streetscape and Public Area Design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile-oriented uses.

11.3.6 The City shall require a sufficient but not excessive amount of parking to provide for Downtown land uses. Joint parking arrangements shall be encouraged.

ACTION MEASURES

Staff will work on these short and medium term actions to implement policies that will support the creation of a vibrant, compact, mixed-use area with housing, retail and employment opportunities.

11.A Facilitate the Development of an Urban Village

- 11.A.1 Develop design guidelines and standards that encourage attractive and inviting downtown commercial and residential architecture with quality design and permanent materials, particularly in the building fronts and streetscape. Also develop appropriate density, height, mass, scale, architectural and site design guidelines.
- 11.A.2 Consider utilizing form based code principles in ways that are consistent with state planning laws and administrative rules.
- 11.A.3 Adopt non-conforming use standards appropriate to a downtown in transition.
- 11.A.4 Develop code measures to mitigate any compatibility issues when new downtown development occurs in close proximity to the Downtown's commuter rail line.
- 11.A.5 Provide areas in the Downtown where community events, farmer's markets, festivals and cultural activities can be held.
- 11.A.6 Designate the Downtown area as the preferred location for Tigard's civic land uses.
- 11.A.7 Promote an awareness of the Downtown's history through measures such as public information, urban design features and preservation of historic places.
- 11.A.8 Monitor performance of design guidelines, standards and related land use regulations and amend them as necessary.

11.B Develop and Improve the Open Space System and Integrate Natural Features into Downtown

- 11.B.1 Acquire property and easements to protect natural resources and provide public open space areas, such as park blocks, plazas and mini-parks.
- 11.B.2 Develop "green connections" linking parks and greenways with adjacent land uses, public spaces and transit.
- 11.B.3 Incorporate public art into the design of public spaces.
- 11.B.4 Enhance the landscape and habitat characteristics of Fanno Creek as a key downtown natural resource.

11.C Develop Comprehensive Street and Circulation Improvements for Pedestrians, Automobiles, Bicycles and Transit

11.C.1 Develop a circulation plan that emphasizes connectivity to, from, and within the Downtown in the design and improvement of the area's transportation system, including developing alternative access improvements to Downtown, such as connections across Highway 99W.

11.C.2 Address public safety and land use compatibility issues in the design and management of the Downtown's transportation system.

11.C.3 Investigate assigning different roadway designations within the general area of the Downtown as means to support transportation access to Town Center development such as ODOT's Special Transportation Area (STA) and Urban Business Area (UBA).

11.C.4 Implement an integrated Downtown pedestrian streetscape and landscape plan.

11.C.5 Acquire property and easements to implement streetscape and landscape plans, and develop needed streets, pathways, entrances to the Commuter Rail park and ride lot, and bikeways.

11.C.6 Express the themes of an urban village and green heart by utilizing the "unifying elements" palette from the Streetscape Design Plan to design streetscape improvements.

11.C.7 Emphasize sustainable practices in street design through innovative landscaping and stormwater management and provision of multimodal infrastructure.

11.C.8 Encourage sustainability features in the design of Downtown buildings.

11.C.9 Encourage the formation of a Downtown Parking and Transportation Management Association.

11.C.10 Incorporate the Downtown's public investment / facility needs into the City's Public Facility Plan and implementing Community Investment Plan.

D. Other Action Measures

11.D.1 Develop and implement strategies to address concerns with homeless persons and vagrancy in the Downtown and Fanno Creek Park.

11.D.2 Provide public, including members of the development community, with regular informational updates on Urban Renewal progress and an accounting of funds spent by the City Center Development Agency.